An aerial, black and white photograph of a dense informal settlement. The structures are built with various materials, including corrugated metal, wood, and cardboard, creating a complex, irregular pattern of rooftops and walls. The perspective is from directly above, showing the tight packing of the buildings. A few vehicles are visible on narrow paths between the structures.

Global Humanities Institutes (GHI) 2019-2022:
"Migration, Logistics and Unequal Citizens in Contemporary Global Context"

E-Pamphlet V :

**Controversies Over Legality/Illegality and
Citizens/Noncitizens**

INTRODUCTION

“Migration, Logistics and Unequal Citizens in Contemporary Global Context” is the Global Humanities Institutes (GHI) 2019-2022 supported by the Consortium of Humanities Centre and Institutes (CHCI) and the Andrew W. Mellon Foundation.

Rapidly increasing international migrations have radically changed the outlook of contemporary 21st century societies, producing cases of massive displaced and precarious lives, and bringing various impacts upon local communities. These emerging phenomena have attracted critical scholarship both in the humanities and social sciences in recent years.

The CHCI-Mellon Global Humanities Institutes (GHI) on “Migration, Logistics and Unequal Citizens in Contemporary Global Context” invites applications from early career researchers and advanced graduate students from the interdisciplinary humanities and social science studies, including but not limited to literature, history, philosophy, film, audio-visual arts, performing arts, law, anthropology, sociology, journalism, social media, digital platform, and other forms of practitioners.

Through the analysis of documentaries, films, literature, interviews, archives, governmental policies, and cooperation with NGOs/CBOs and artist groups, this intensive program foregrounds the subjective experiences and perspectives of migrants, the violation of the migrants’ fundamental human rights, the citizen’s attitude against them, as well as the government malfunctioning in dealing with these migrants.

The issues of migration and unequal citizens highlight the logistical continuum of biopolitics and governmentality from the colonial to the post-colonial state, from the Cold War Era to the post-Cold War Era, as well as the operation of geo-political and geo-economic apparatus and zoning politics. Critical logistics can orient the inquiry by emphasizing how the governance of populations reaches beyond statistical measure to make new connections between life and work, technology and mobility, and politics and economy in and beyond any region. Logistics organises the movement of people and goods and asserts its logic across the entire circuit of production, distribution, and consumption. Logistics has also remade the domain of global space and territory, through the operation of zoning politics, such as corridors, digital networks, extraction enclaves, financial districts, and other areas of transfer and exchange. Examining the nexus of migration and logistics offers ways of rethinking the politics of human mobility and the question of unequal citizens that not only reach beyond the logic of integration and identity but also question the standard analysis of post-war area studies.

LINES OF RESEARCH

Conditions of Migration and Precarious Lives

Our GHI encourages researchers to study and analyse the reality of the forms of life of the international migrants, refugees, and stateless people in contemporary societies. We welcome analytic inquiries and theoretical engagements of cases of documentaries, films, literature, interviews, archives, governmental policies, NGOs/CBOs, and artist groups, in but not limited to Asia, on the following issues:

The experience and the emotions of migrant workers, refugees or stateless people in their working and living environments in the receiving societies;

The role of social identities such as gender, sexuality, religion, nationality, legal status in conditioning migrant workers' precarious lives;

How states manage labour migration imports and repatriation/deportation as part of the development projects of the state, requiring explicit legal exclusion from residency and citizenship and migrant labour exploitation in the context of different countries, including the national evolution of legal framework concerning this issue:

- The operations of the broker agency, the development of workforce agencies, regimes of brokerage that commodifies migrants into healthy bodies that are labour ready to be supplied abroad;
- The support system offered by trade unions, local NGOs/CBOs, shelters, migrant centres, or resettlement plans at host societies; alliance-making among different groups (e.g. different migrant groups from different countries, women's groups, labour unions, etc.) as well as the internal support system within the migrant communities;
- How the increase in the numbers, relative visibility, and designation as an abject foreigner of migrant workers has led to new forms of Asian racism and xenophobia;
- Ambiguities of migrant entrepreneurship: self-employment as a low-paid activity, forced self-employment ("quasi-self-employment"), and self-employment as an opportunity for professional advancement;
- International student mobility/unpaid labour and its regulation through visa regimes, market mechanisms, university rankings, and labour statuses;
- Transnational human trafficking of women and children for prostitution and forced marriage and labour.

Logistics, Geo-economics, Zoning Politics, and Local Infrastructure Initiatives

Our GHI encourages research projects on politico-economic logistics and the logic of migration. We welcome analytic inquiries and theoretical engagements on the following issues:

- Whether and how the colonial past and the Cold War regime still leave their traces on the countries in and beyond Asia in the 21st century, such as the ASEAN regional policies of trade agreements and economic security control, the US-China trade war, and so on?
- How can we use critical thought on logistics to rethink issues of labour and migration particularly in the Asian region (or in what ways is migration increasingly functioning logistically)?
- How do foreign direct investment, labour, and migration in the Asian region link to logistical initiatives such as zoning, China's Belt and Road Initiative, etc.?
- How do global and local logistical initiatives impact directly or indirectly on local societies, such as governmental corruptions, public xenophobic reactions, extraction by dispossession, and so on?
- How is digitalisation transforming labour and mobility, including questions of virtual migration, platform labour, and the use of digital technologies for migration control and freedom of movement?
- How do logistics and migration in and beyond Asia reorganise relations of reproduction of labour power and society?
- The transformation of the land question, the military-industrial complex, and mobility regime.

Regarding the historical processes, ruptures and continuities in the organisation and practice of migration in and beyond Asia, do logistics offer a means of understanding historical migration, or is it specific to the present moment? How do layered histories of migration continue to shape present movements?

The nexus of logistics, displacement, and violence. The discourse of who is "native" and who is "migrant" is prevalent in many countries; at the extreme, this discourse can lead to communal fissures and even violence. Can a logistical approach help us productively think through ideas of "indigeneity/native" VS "migrants/foreigner" and unpack this socially constructed dichotomy?

Questions of Unequal Citizens

The upsurge of migrant workers, refugees, and human trafficking have changed the composition of the social space and worsen the inequality among the people who live and work in the same social space but do not share equal access to the cities nor exercise political subjectivities they spent in their daily life. While Giorgio Agamben's concept of the 'bare life' has been much cited in Refugee Studies in recent years, there has also been a call by scholars to focus on the agency and political life of the refugees grounded in their lived realities. Our GHI also wants to draw researchers' attention to the newly emerging forms of neo-racism, neo-slavery, and new colonialism. We welcome analytic inquiries and theoretical engagements on the following issues:

- How do new forms of exclusion through citizenship and residency rights facilitate in today's formation of uneven late capitalism?
- How do traditional colonialism and ongoing forms of new colonialism or internal colonialism shape citizenship regimes in diverse local contexts in Asia and beyond? How did the colonial histories, the process of the post-colonial independent nation through Citizenship Acts, and the current immigrant/migrant worker regulations co-figure the politics of inclusive exclusion and trigger the reality of unequal citizens in contemporary societies?
- How do we analyse the structural violence of the statist division between citizen and non-citizen, or differentiated citizens, that causes the violation of fundamental human rights against a particular population?
- How do we problematise the concept of the "illegal migrant workers"? How is the illegal social space of the precarious bodies produced legally by governmental sectors and other transnational agencies?
- How do we further understand the fear of the transient—the homeless, migrants, refugees? What is the nature of the local xenophobic reactions toward the migrant labour and refugees?
- How do theoretical and empirical investigations of citizenship influence understandings of migration in ways different to analytical approaches that stress other kinds of political subjectivity—e.g. social class, the lived experiences or agency of the refugees and stateless people?
- To what extent do patterns of migration in the Asian region disarticulate the figure of the citizen from the figure of the worker? What are new and emerging ways of theorising citizenship and migration that are relevant in various contexts?

In what ways can we theorise the 'indentured' as a poetics of relation, for example, through Mauritian poet Khal Torabully's notion of the 'coolitude,' or Martinique philosopher Edouard Glissant's concept of opacity, or alliance-building against what Laura Ann Stoler characterises as the persisting imperial durabilities of our time?

What forms of agency and belonging do migrant possess despite legal exclusions, including political participation, economic belonging, trade unionism and migrant/refugee organisations? What forms of differentiated citizenship, exclusion, and belonging shape contemporary migration experiences e.g. indenture, statelessness, residential registration, denizenship, plural citizenships, war and violence?

How do migrants resist exclusionary citizenship regimes and enact new claims—locally and nationally, and transnationally?

New Forms of Knowledge Production

Our GHI encourages colleagues and students to conduct various forms of knowledge production to explore the issues of migration, logistics, and unequal citizens through academic papers, artistic works, and digital approaches, to bridge universities and societies, and to link scholars with migrant workers, refugee communities, trans-local NGOs/CBOs, artist groups, filmmakers and journalists. We will create occasions for trans-local advocates and artists groups working for migrants, refugees, and stateless communities to meet and exchange ideas on common concerns and share the tactics from different groups. We will create space to reflect on the various strategies and create new conversations. We hope to facilitate productive discussions and foster knowledge sharing across disciplines and modalities. Also, we will establish a shared transnational online resource documenting innovative approaches in addressing migrant and refugee issues. Some suggested area of focus, but not limited to, are as the following:

- Storytelling can be a powerful tool humanising "the other." What are the existing innovative projects working with migrants and refugees, using storytelling in different forms—such as theatre, poetry recitals, music festival, writing workshops, photography, and film making? What is the impact of these initiatives for the migrant communities and the audience/readers?
- Artists have pushed the envelope of artistic forms that paralleled their commitment to discussing the experiences of this global movement of people and the power dynamics engendered by this large-scale mobility. In what ways were modern and contemporary arts a vital avenue for new forms of knowledge production to address issues of unequal citizens and cross-boundary imaginations?

- What are new institutional forms created by the interface of migration knowledge practices with formal gallery spaces and museums?
- What is the role of digitalisation in generating knowledge and strategies to address issues of migration and unequal citizenship?
- How are civil conversations and alliance building facilitated across communities? What are some new conversations and narratives that are being shaped in these processes?

Controversies Over Legality/ Illegality and Citizens/ Noncitizens

These talks were parts of the webinar “Interventions from the South: Theoretical Perspectives and Pragmatic Issues of Migration, Logistics and Unequal Citizens in the Context of the COVID-19 Pandemic,” as an integral part of multiple events organised by the CHCI-Global Humanities Institutes 2019-2022: Migration, Logistics and Unequal Citizens in Contemporary Global Context.

Migration has become a critical field of study for social scientists due to the harsh realities and rising inequality migrants are subject to. Asia, though hosting a substantial portion of the world’s migrants, provides the poorest protection and fewest policies for advancing migrants’ rights and livelihoods. The GHI presented an interdisciplinary platform where Asia-based migrant rights activists and NGOs talked about their research and professional observations of the complexities of migrant issues in the context of the global COVID-19 pandemic.

About NGOs

Tenaganita is a Malaysian human rights organisation dedicated in assisting, building, advocating and protecting migrants, refugees, women and children from exploitation, abuse, discrimination, slavery and human trafficking. We seek to promote and protect the rights of marginalised and vulnerable individuals who have no voice in this globalised world.

OKUP is a community based migrant workers’ organization in Bangladesh. Believing that the unity of migrant workers enhances their empowerment and contributes to the protection of their rights and dignity, OKUP came up as a platform of returnee migrant workers in 2004. We operate on the principle of human rights, gender justice, child protection, and non-discrimination. OKUP is registered with NGO Affairs Bureau, the government of Bangladesh, registration no. 2343 dated 24/04/2008.

TIWA participates in local labor and social movements, including organising the workers involved in big labor disputes to fight against the capitalists and the government for their rights. TIWA organized workers affected by factory closings and toll collectors. By insisting on the protection of domestic workers’ working conditions, TIWA has joined the movement to form a social welfare system for long-term health care. We propose “justice

in caring,” emphasizing that neither care-giver nor care-receiver should be sacrificed. The government should take responsibility for long term care.

“**SUAKA**” is the Bahasa Indonesia word for asylum. SUAKA is an association for the protection of refugee rights. We are a network of voluntary civil society, consisting of individuals and organisations that aim to work for the protection and advancement of the human rights of refugees and asylum seekers in Indonesia. Growing from awareness of the situation of vulnerable asylum seekers and refugees in Indonesia, several civil society organisations and caring individuals gathered in October 2012 and committed to assisting refugees and asylum seekers. SUAKA, since May 2018 has become a legal entity in the form of an Association based on the Decree of the Ministry of Law and Human Rights.

Introduction to the Talks

Resistance Towards The Criminalisation And Weaponisation Of The Migrants

Chan Man Ching, Nenki (IACS-UST, NCU)

As discussed in the previous talks, most of the migrants are suffering during the pandemic without any appropriate assistance from both host and home governments. They are being criminalised as undocumented workers in the host countries even denying their huge contributions to local societies. Why would it be the case? Four NGOs, including TIWA (Taiwan International Workers Association) from Taiwan, OKUP (Ovibashi Karmi Unnayan Program) from Bangladesh, Tenaganita from Malaysia and SUAKA from Indonesia are invited to discuss the (il)legality and citizenships in these four places and their missions to help the workers.

From Top to Bottom: Suppression within the Government Policies

According to the statistics provided by Tenaganita, Malaysia is the largest receiving host country, relying on the import of migrant workers from almost 16 countries, like Indonesia, Bangladesh and Cambodia. They are offered jobs in different sectors, including construction, plantation, manufacturing domestic work and services. Nonetheless, about 4 million workers are undocumented over the total of 6 million workers in Malaysia. The migrants who are making huge contributions to the societies are working without legal protection by the government. As argued by Ms. Das, policies are always developed on an ad hoc basis, with no protection, mechanisms of right against abuses, social dislocation, profiteering human trafficking and slavery. They are often required to work in dirty, difficult, or even dangerous and deadly situations like slaves being treated as properties. Many workers were arrested and repatriated to their home countries because of their undocumented status. Ironically, it is the Immigration Department and the ministry that did not accept their application because of national security threats during the pandemic. In the name of COVID-19 prevention, the ministry has announced that they will provide free virus tests for both documented and undocumented. Nonetheless, it becomes a weapon to arrest and detain undocumented workers, asylum seekers and refugees. 7,000 of

them were arrested and lived in bad conditions without appropriate health care and food supplies. Ms. Das emphasised that it is obviously not the fault of the undocumented workers. Instead, the collusion between agencies and government should be blamed. As Professor Joyce Liu argued in her article, the situations of the migrant labourers are comparable to modern slavery and the emerging form of internal colonialism are constructed by the global chain of logistics (187). Similar to the situation in Malaysia, Ms. Argadinanti from SUAKA states that there are around 13,747 refugees in Indonesia based on the Union records, including asylum seekers. Some of them are living within the Immigration Detention Centres and they spent the endless time of waiting for the results of applying for individual citizenship, meaning that they will either be resettled or sent back to their country of origin. They have no permission to work or to access formal education in Indonesia because the government does not provide any support for the refugees. They do not have rights on social security also. It causes difficulty for them to access the legal system because of language differences, stigma and lack of knowledge about laws. Some of the refugees go through the process without any legal advisers and some of them may be detained for up to 10 years. Nonetheless, Ms. Argadinanti admits that it is difficult for SUAKA to be responsible for the whole process because of two different legal systems in the country of origin and Indonesia. Thus, their situations are rigorous and dangerous in Indonesia.

While Malaysia is the largest receiving country, Bangladesh is one of the top labour-sending countries around the globe. Around 45% of the total population in Bangladesh work as migrant workers and millions of new workforces entered the labour market every year. Nonetheless, the labour market is nearly saturated, causing unemployment and underemployment. According to the government statistics, the unemployment rate is 4.4% while the underemployment rate is around 20%. The situation becomes worse after the spread of COVID-19 which 20% of the population are suffering from poverty because of losing their jobs. Although there is no official data of the unregistered migrants, as observed by Mr. Islam, representative of the organisation OKUP (Ovibashi Karmi Unnayan Program) in Bangladesh, the unemployment and underemployment rate should be high due to the lack of legal pathways to Europe and other parts of the world. Most of them enter the host countries with students and families unification visas, but end up working in different industries. Furthermore, in the name of labour migration, many people are trapped by the business cycle of human trafficking. Therefore, he argued that a huge number of Bangladesh migrant workers fall into the situation of migration and these migrant workers are often criminalised in the countries of destination as undocumented workers. To further illustrate his ideas, he indicates two cases of misinterpretation between migrant workers

and agency companies, resulting of VISA trading and deception by the company. The Kafala sponsorship system also criminalised workers to be imprisoned or deported once they left the jobs without permission. Moreover, the hidden rules of the agency contract strengthen the power of labour-trafficking which causes abuse exploitation of the workers in the destination countries and forced them to run away and become unregistered. It proves that people are undocumented not because of the illegal crime, but because of governance of the social systems. It is highly relevant to Professor Joyce Liu's argument on the global chain of logistics that links the flow of capital, the flow of human labours, the local agencies and juridical systems, and the apparatus of civic exclusion (187). As a result, the criminalised migrants are suffering from xenophobia which creates stigma and discrimination among the local communities.

Last but not least, Ms. Wu from TIWA, Taiwan International Workers Association shares the severe situations of the migrant workers in Taiwan. Around 6.7% out of the total 70,000 migrant workers in Taiwan are undocumented. Ms. Wu argues that it is a war declared on the spreading of COVID-19, which leads to an enhancement of the present discrimination and structural problems in society. At the beginning of the COVID-19, the migrant workers are excluded from the pre-order masks system and notice of the prevention. Not until 10 days later, the translation and interpretation information were released for the workers. For migrants who do not have health insurance cards, they are unable to access the pre-order masks system. When the first migrant worker case is confirmed positive on February 26, the mainstream media led the wave of discrimination, saying that the undocumented worker was playing TikTok during the quarantine, portraying an image that she is negligent of the pandemic. However, she was acutally infected by an old Taiwanese grandpa. Compared to this case, an Australian musician who was also infected with the virus did not face any criticisms in society. Ms. Wu denounced that the media discrimination between two parties are enlarged during the pandemic. Furthermore, she argued that migrant workers were often oppressed by the social structure in Taiwan due to stereotypical imagination of occupation and nationality limitations. For instance, they are required to leave after 12 years working in Taiwan and they are not allowed to change employers in between. Thus, most of the workers become undocumented because they want to change their employers. Without legal protection, they are trapped in the profit broker system, which charges a lot of placement fees when they are seeking jobs. It provides a rational reason for the employers who do not want to wait for several months and agencies who want to earn profits to control the workers. The cases mentioned by four speakers indicates that the situation of the undocumented workers is rigorous not because of their personal behaviour, but because

of the government policies and structural problems. As Professor Joyce Liu claimed, the Aporia of Negative Political Paradigm (187).

Resistance from Bottom to Top: Social Engagement of the NGOs

TIWA:

Based on the severe situation in Taiwan, TIWA (Taiwan International Workers Association) tries to reach the government with other scholars complaining about the mistreatment of migrant workers, especially during COVID-19. They asked the government for appropriate support to protect workers, instead of marginalising them in society. They also try to help the foreign workers to restore their legal status. To achieve their vision, they implemented a joint signature campaign and press conference in front of the Executive Yuan of the current government. Nonetheless, the National Immigration Bureau rejected the opinion, and suggested people to surrender themselves. If they surrender, they can come back to work in Taiwan again. Nonetheless, argued by TIWA, they could come back as students or tourists, but as not workers. Therefore, it is an empty promise to the foreign workers. Furthermore, on May 24, Translation Bureau tried to forbid the Indonesian workers to gather at Taipei Main Station lobby. Even after the relaxation of lockdown restrictions, the Translation Bureau refused to allow the regular gatherings at the station lobby. Thus, TIWA held a protest against this decision. The migrant workers, who are trapped in the dormitories, are also suffering from a lack of medical care and medical aids without health insurance. As Ms. Wu emphasised, “what we want is, if we live together in the same land, in the same society, we have to make decisions together, there should be no inequality...no matter where you are, no matter your status is...” Therefore, they aimed to keep working on the legalisation of the migrant workers’ protections and eliminating discrimination in society.

OKUP:

OKUP (Ovibashi Karmi Unnayan Program) is implemented by grassroots migrants in Bangladesh, formed by the migrant workers and run by the returning labours. Their purposes are to provide a friendly environment for the workers, protection of rights and dignity as human beings. Mr. Islam stated that they work for building residence against unsafe migration, human trafficking through their need, creating agency empowerment and unity among migrant workers, families and their communities. Support and services for social and economic integration are also provided. As argued by Mr. Islam, migrant workers have been contributed to both home and host governments supporting national macro-economy and socio-economic development. Nonetheless, the cooperation between agencies, employers and governments always put them into a severe situation

becoming undocumented. Mr. Islam cited the report from the Office of High Commissioner for Human Rights and the provision of the New York Declaration 2016, mentioning that migration status should not be understood as crime. Thus, it is of utter importance to legalise the migrants.

SUAKA:

The mission of SUAKA is to protect refugees' rights through a legal approach. Inspired by the idea of structural legal aid, they raise public awareness, work on research-based policy advocacy that aims to create better circumstances and empower the refugees in legal issues for teaching them how to protect themselves. They not only conduct community or legal base training but also organise forums for the veteran alumni under the accreditation service. Furthermore, they implement the refugee seminar series open to the public. For the research-based policy advocacy, they conduct monitoring on residential criminal supply of 2016 on how it is implemented because 2021 will be the fifth year of the regulation. They invited the public who cares about the issues to join, and they were also there to amplify the police and promote the rights of refugees in Indonesia. Because of the limitation of the policies, SUAKA is often unable to assist the refugees for the whole process, they may provide consultation or even distance conservation. Thus, they urge the government to review and amend law No.11, 2016 on integration.

Tenaganita:

Last but not least, to solve the criminalisation of migrant workers in Malaysia, Tenaganita aimed to adjust free and democratic society where all are equal human beings with dignity and rights, including women, children, migrants, refugees, while creating spaces collectively to achieve their full potential and liberation in a globalised world. In recent years, they have separated different programs into four key areas below: migrant rights protection, refugee action program, anti-trafficking in persons and business accountability and responsibility. Their core strategies and activities are case management, legal support, advocacy programs, partnership building, as well as information sharing. During the COVID-19, they provided information about symptoms to the migrant workers, especially for those who are undocumented. Tenaganita provides free food aid for the migrant communities who have lost their job. They also initiated food and rent relief programs in order to help the refugees pass through the severe period. Furthermore, the organisation provides 24-hours hotlines available for information sharing, shelter for women in crisis and continuous advocacy in the period of the COVID-19 pandemic. It is urgent for the government to open and accept the migrant workers because there is xenophobia and harsh, violent attacks on the community leaders and organisations. As mentioned by

Ms. Das, we continue to demand, we continue to protest, we dialogue, we engage, and we plead to the government, the Malaysian and others to come forward to stop this kind of inhumane and cruel act during this pandemic. To conclude, as emphasised for these four organisations in the panel, the huge contribution of the migrant workers should not be forgotten. It is the responsibility of the government to support protect these labour force, instead of criminalised and weaponised them.

Reference:

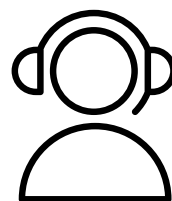
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Weaponisation and Criminalisation of Migrant Workers in Malaysia

Glorene Das (CEO, Tenaganita)

Malaysia is the largest receiving country of migrant labour in Asia. Currently, there are about 2.2 million documented migrant workers. Though the numbers have never been confirmed by the government, there are about 4 million undocumented persons which include asylum seekers and stateless persons otherwise known as illegals. 80 % of the migrants come into Malaysia through the legal route / channel , and we know that another 20% come through the “jalan tikus” through the borders due to the situations in Myanmar, as well Indonesia, the Philippines and Cambodia. Undocumented persons are the groups of people who are seen as national security threats, as enemies to be flushed out. There are harsh and abusive conditions to be faced if a person is undocumented, more so if one is a migrant worker. In the first instance, one must understand the root problem of the prevalence of undocumented migrant workers in Malaysia. While an incredibly huge amount of the undocumented population entered the country with valid documents, only to become undocumented due to being scammed and cheated by agents and employers, there is a significantly smaller population of undocumented foreign workers who are trying to take advantage of the employment opportunities in this country yet they are criminalised. While we acknowledge the presence of millions of undocumented workers in Malaysia as an issue, it should be addressed in a more comprehensive and transparent approach. This is not the time to address this issue when we have a serious pandemic that’s threatening our lives. In the presentation, we will be given an insight into the realities of the criminalisation/weaponisation of the undocumented person in Malaysia.

Listen to a podcast of Glorene Das’s talk here.



Criminalisation of undocumented workers

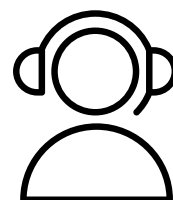
Shakirul Islam (Chairman, OKUP)

There is no data on how many migrant workers leave the country unofficially. It is assumed that about one million Bangladeshis cross borders without authorisation every year to find better employment abroad. Contrary, according to Bangladesh government statistics, more than half a million Bangladeshis migrate abroad through official channels every year for employment, mostly in the Middle East and Southeast Asian countries.

This paper highlights the issue of those migrant workers who migrate documented through official channels but ended up with criminal charges as undocumented workers. This is to note that the existing Kafala – employer-tied recruitment – system particularly in the Middle East countries does not allow migrant workers to change the employers even if the migrant workers face indescribable exploitations at the workplace, physical torture, mental cruelty at the hand of their employers. Many migrants who want to avoid undocumented status being left at the mercy of their employers often end up paying scanty wages and trap them in debt bondage.

For covering the shortfall of the crippled economy amid COVID 19 pandemic, Saudi Arabia and other Middle East countries deported some 250,000 Bangladeshi migrants already. The so-called undocumented workers were the first target of such deportation. In addition to the possible threat of deportation, Saudi Arabia, the country that shares the largest number of Bangladeshi migrant workers, announced to ease some of the contractual restrictions which gives the control over the lives of some 30 million migrant workers vulnerable to increasing abuse, exploitation, and future threats to being undocumented. While there is a perception that legalization of the undocumented workers may result in more irregular migration, this is actually a need of the time to legalize their status and implement migrant-friendly laws so that it addresses their humanitarian concern, and prevent exploitative and abusive situations.

Listen to a podcast of Shakirul Islam's talk here.

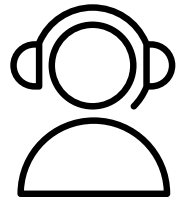


Criminalisation of undocumented migrant in Taiwan

Wu Jing-ru (Representative, TIWA, Taiwan)

According to the Ministry of the Interior National Immigration Agency, Republic of China (Taiwan), up until June 2019, there is a total of 46,980 undocumented migrant workers. This population has always been viewed as one of the “national security concerns”. Recently, on the backdrop of the COVID-19 pandemic, undocumented migrant workers are seen as a potential “breaching point” of infection. However, this instance of persecution should not be perceived as an entirely new phenomenon, but merely an extension of the vulnerability experienced by Taiwan’s undocumented migrant workers. In this presentation, we analyze Taiwan’s undocumented migrant workers’ struggles during the COVID-19 pandemic and discuss the Taiwanese government’s general policies concerning undocumented migrant workers, and deliver our demands for better treatment to ease their dilemmas.

Listen to a podcast of Wu Jing-ru’s talk [here](#).

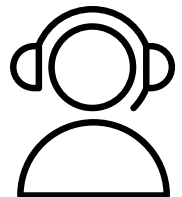


Criminalisation of Undocumented Migrant, specifically on refugee issue in Indonesia

Rizka Argadianti (SUAKA, Indonesia)

Refugee conditions in Indonesia are having limited protections: no work rights, no formal education and also other rights. Even though the pandemic Indonesia government includes Refugees in the vulnerability list, in SUAKA records, there's no significant impact on refugee lives. Lack of regulation is making the condition worse. Indonesia only has Presidential Decree No. 125/2016, which apparently creates a negative impact both on refugees and service providers. Immigration itself doesn't have fair provisions to determine one should be behind the detention. This makes Immigration have the power to hold someone in detention without any fair trial process. In the presentation, SUAKA will elaborate on the refugee condition in Indonesia, especially during this pandemic by analyzing current regulation and its implementation, also our recommendation for a better future.

Listen to a podcast of Rizka Argadianti's talk [here](#).



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